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10/598,381	09/23/2008	Alexandre Naressi	33836.00.0098	3352

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Vedder Price PC
222 NORTH LASALLE STREET
CHICAGO, IL 60601

EXAMINER	
MEHRAVARI, PETER CYRUS	
ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,381	NARESSI ET AL.	
	Examiner	Art Unit	
	PETER MEHRAVARI	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-27* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-27* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. Examiner acknowledges Applicant's amendments and remarks received 10/19/2011. Claims 1-27 are pending.

Claim Rejections – 35 USC §112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12:

- it is unclear how the tag content contains remote content identification information, but the claim also recites retrieving the content "contained on a medium assicated with the portable media container".

4. **Claims 1, 3-4, 6-8, 12-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No. 2003/0001887).**

1) Regarding claim 1, Rajasekharan makes obvious an object having an RFID tag associated therewith **([0042], " objects 107 in the physical world can be represented by one or more machine readable or identifiable object identifiers, such as, barcode labels, RFID tags")**. Rajasekharan then teaches that the RFID tag

may contain a content identifier, which when read by a reader, identifies the location of the content, specifically on a remote device and then the content is either downloaded or streamed to the target device **([0045], "Similarly, the multimedia content collection associated with an object identifier may be either locally resident on the device or downloaded or streamed via path 113 with the aid of content proxy 117")**. See also [0073] which teaches the association between an object identifier being read by a reader and the object identifier being directly associated with media content. Rajasekharan teaches this media content to include both audio and video **([0074])**. To show more of this teaching of content identification then associated media playback, Examiner turns Applicant's attention to the following:

- [0080]-[0081] - regarding playback mode;

- Claim 18 – "detecting with a device a label associated with an object; normalizing information contained in the detected label into an object identifier; using the object identifier to search an index table repository to find content bound to the object identifier; and rendering the content"

- Claim 20 – "comprising the step of retrieving the content bound to the object identifier from a remote server"

- Claim 21 – the content is audio or video

- Claim 22 – the label is a RFID tag

These tags are designed to provide "information about physical objects, locations, or temporal events" **([0060])**. With this teaching, one having ordinary skill in the art at the time of the claimed invention would understand that the type of information

is directly related to the physical object, location or temporal event, that the tag is attached or associated with. For example, if a tag is attached to the physical object of music CD or music CD case for example, any known types of information associated with that music CD or music CD case would be obvious to one having ordinary skill in the art at the time of the claimed invention as information about that music CD or music CD case as taught by Rajasekharan. Rajasekharan uses the examples in [0075] to show the function of the content identified on the tag, which is to provide additional information that further describes or enhances the properties or function of that object.

Smith IV teaches that additional content in the form of music files and even music videos are information that may be associated with an object in the form of a music CD or music CD case **([0064], "In one implementation, a music CD can be implemented as a hybrid CD with audio content in the form of WAV files, which may be played on a dumb device, such as a boombox, and additional content in the form of enabled content that can be played only on an enabled machine. The enabled content may include music files or pointers to music files. It may also include other content such as a video clip or instructions to download a web site")**. Since Smith IV teaches that additional music files and music videos are information that may further describe an object that is a music CD or music CD case, it would be obvious to one having ordinary skill in the art at the time of the claimed invention that when a tag as taught by Rajasekharan is placed on an object that is a music CD or music CD case, that may also then contain identification information for content that further describes

that object being a music CD or music CD case, wherein that content is the additional music file or music video.

2) Regarding claim 3, Rajasekharan teaches the using the content identifier to search an index table repository (a playist) to find the content bound to that content identifier **(claim 18)**, where that table and content is on the remote server **(Claim 20)**. This information is transmitted from one place to another and transmission of data over the internet, especially audio and video files is broken up into small packets of data and reassembled on the other side when they are received. Such packing is a form of encryption and such unpacking is a form of decryption, and in order to decrypt the receiving party must know the type of encryption (the encryption/decryption keys) in order to decrypt/unpack and reassemble the data on the receiving end.

3) Regarding claims 4 and 6, Rajasekharan teaches the media in the form of the video or audio retrieved from the remote server is then played on the device that reads the tag and obtains the object/content identifier **([0078]-[0084] describes all the playback features on the reader device)**. The communication is at least a request for the remote data and a retrieval of the remote data, thus forming a two way communication device. Additionally, Rajasekharan teaches the function of streaming the data in certain instances.

7) Regarding claim 7, Rajasekharan teaches the media playing device is an RFID reader enabled portable device **(See Fig. 1, the Mobile Device 105)**.

8) Regarding claim 8, Rajasekharan teaches the authoring of content and then associating that content with a content identifier on an object. Further Rajasekharan

teaches that the content identifier on the object may be an RFID tag that is read by a reader. While Rajasekharan does not each changing the identifier, it does teach overriding and authoring the content associated with that identifier **(claim 1, Fig. 102, No. 100)** This, coupled with the well-known improvements of RFID tags over other tags, is the identifier within the tag can be changed without destroying the tag (as opposed to bar codes and other written labels). Accordingly, one having ordinary skill in the art at the time of the claimed invention would find it obvious to either change the content associated with the content identifier, or change the content identifier to be associated with another piece of content.

9) Regarding claim 12, Rajasekharan in view of Smith, IV, makes obvious all subject matter for the same reasoning recited above regarding claim 1.

10) Regarding claim 13, Rajasekharan in view of Smith, IV, makes obvious all subject matter for the same reasoning recited above regarding claim 2.

11) Regarding claim 14, Rajasekharan teaches the full playback capabilities of the mobile device for retrieving and playing the retrieved remote content **([0049], "For playing the media content, the personal mobile device 105 comprises video decoder 1006 associated with display 1008, and an audio decoder 1010 associated with a speaker 1012. Display 1008 may be a visual display such as liquid crystal display screen"; [0051], "personal mobile device 1100 comprises media content control keys such as, play/stop 1101, record 1103, reverse 1105, fast forward 1104, volume controls 1110, and various other operations can be provided for use in interacting with media content")**

12) Regarding claim 15, when the media player interface displays the content that is identified by the content identifier on the tag that displaying in itself is a visual indicia of data on the tag.

13) Regarding claim 19, Rajasekharan in view of Smith, IV, make obvious all subject matter for the same reasoning recited above regarding claim 1.

5. **Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No. 2003/0001887) and Kahlman (US. Pub. No. 2005/0237886).**

1) Regarding claim 2, Rajasekharan in view of Smith, IV do not teach the authentication of the music CD before the retrieval of the content on the tag attached to the object being music CD. However, Rajasekharan is clear in the fact that the tag contains identification information of content that is important to further understand or enhance the object it is associated with. Kahlman teaches that it is known and beneficial for a music CD to also contain authentication information to only allow the music CD to be played by an authenticated use **([0007]-[0009])**. What's more is that Kahlman teaches this authentication information being stored also on an RFID tag associated with the music CD **([0032], the optical information carrier 1 further comprises an integrated circuit, "[t]he chip is, for example, a MiFare RFID chip" which is placed on the music CD, see Fig. 2)**. Accordingly, one having ordinary skill in the art at the time of the claimed invention would have recognized the known benefit of, and to use, using authentication of a music CD to prevent unauthorized used of the

media such as taught by Kahlman in a system such as taught by Kahlman and Smith, IV to already provide additional information associated with an object being a music CD, where in both teaching the additional data is stored in an RFID tag on the object being a music CD.

2) Regarding claim 20, Rajasekharan in view of Smith, IV and Kahlman, make obvious all subject matter for the same reasoning recited above regarding claim 2.

6. **Claims 5 9-11, 16, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No. 2003/0001887) and MacLellan et al. (US. Pat. No. 6,130,623).**

1) Regarding claim 5, Rajasekharan in view of Smith, IV make obvious communication of data using an RFID protocol. MacLellan et al. teaches an RFIC communication system that teaches encrypting data on the tag and being able to read the encrypted data by a reader **(see Fig. 4)**. One having ordinary skill in the art at the time of the claimed invention would recognize that encrypting data on an RFID tag may prevent unauthorized users from accessing data on the tag as such motivation could be used to protect any data on a tag.

2) Regardings claims 9, 11, and 21, Rajasekharan in view of Smith, IV, and MacLellan et al. make obvious all subject matter for the same reasoning recited above regarding mostly claim 1, but also the storing of the data in an encrypted format as discussed above regarding claim 5.

3) Regarding claim 10, Rajasekharan in view of Smith, IV, make obvious the object being a music CD, the music CD or a music CD case as discussed above, the case containing a music CD that is an optical storage device)

4) Regarding claim 16, Rajasekharan in view of Smith, IV, and MacLellan et al. make obvious all subject matter for the same reasoning recited above regarding mostly claim 1, but also the storing of the data in an encrypted format as discussed above regarding claim 5. Further, the content being on a remote storage wherein encryption as taught by Maclellan et al. is performed is the same as a digital rights management service provider using keys to authenticate the transfer. It is noted that the addition of encrypting communication over a network is well known in the art of data transfer as are the known forms of encryption and such modifications to data transfer would be obvious to one having ordinary skill in the art at the time of the claimed invention.

5) Regarding claim 18, Rajasekharan in view of Smith, IV and MacLellan et al. make obvious all subject matter for the same reasoning recited above regarding claim 1 (regarding the general system with remote content identifiers), claim 8 (regarding the RFID writer) and claim 16 (regarding the secure and encrypted exchange of data). Specifically, claim 18 simply teaches the setup of a key encryption system implements by Rajasekharan in view of Smith, IV and MacLellan et al. as made obvious above. As such, one having ordinary skill in the art at the time of the claimed invention would find all of the limitations obvious to set up such a system especially one to implement the method of verifying media played at a plurality of media players. For example, it would be obvious that at some point the RFID tags on the information carriers would have to

be written with the information later read by the media player claimed in claim 1 and related claims. It would be obvious that the media players are trusted since they have would inherently comprise the software and hardware necessary to not only read the RFID tag on the information carrier and process such data, but also know to go to the remote server to verify the authentication of such received data. It is generally known that registration of a computer's address is performed with an authentication service when future authentication procedures between devices are designed to take place later.

7. **Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975) in view of Smith, IV (US. Pub. No. 2003/0001887), MacLellan et al. (US. Pat. No. 6,130,623) and Saito (US. Pat. No. 6,424,715).**

1) Regarding claim 17, Rajasekharan in view of Smith, IV and MacLellan et al. make obvious all subject matter of claim 16. However, none of the above cited references teach using a cache to expedite the authentication process. However, Saito teaches this deficiency. Specifically, Saito teaches using a cache to store previously obtained encryption content so as to not require communication with a remoter server and instead keep the authentication local when authentication is performed a second time **(col. 13, lines 52-61)**. Further, the uses of caches to reduce latency in a network system are well known as are the motivations behind their use. Therefore, one having ordinary skill in the art at the time of the claimed invention would find it obvious to use a

cache used in authentication as taught by Saito in combination with Rajasekharan in view of Smith, IV and MacLellan et al. to achieve the generally known benefits of a cache in a network environment.

8. **Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajasekharan (US. Pub. No. 2003/0024975).**

1) Regarding claim 22, Rajasekharan makes obvious an object having an RFID tag associated therewith **([0042], " objects 107 in the physical world can be represented by one or more machine readable or identifiable object identifiers, such as, barcode labels, RFID tags")**. Rajasekharan then teaches that the RFID tag may contain a content identifier, which when read by a reader, identifies the location of the content, specifically on a remote device and then the content is either downloaded or streamed to the target device **([0045], "Similarly, the multimedia content collection associated with an object identifier may be either locally resident on the device or downloaded or streamed via path 113 with the aid of content proxy 117")**. See also [0073] which teaches the association between an object identifier being read by a reader and the object identifier being directly associated with media content. Rajasekharan teaches this media content to include both audio and video **([0074])**. To show more of this teaching of content identification then associated media playback, Examiner turns Applicant's attention to the following:

- [0080]-[0081] - regarding playback mode;

- Claim 18 – "detecting with a device a label associated with an object; normalizing information contained in the detected label into an object identifier; using the object identifier to search an index table repository to find content bound to the object identifier; and rendering the content"

- Claim 20 – "comprising the step of retrieving the content bound to the object identifier from a remote server"

- Claim 21 – the content is audio or video

- Claim 22 – the label is a RFID tag

These tags are designed to provide "information about physical objects, locations, or temporal events" **([0060])**. With this teaching, one having ordinary skill in the art at the time of the claimed invention would understand that the type of information is directly related to the physical object, location or temporal event, that the tag is attached or associated with.

Since claim 22 does not claim that the object is a media object (the preamble does not carry patentable weight since it is not referred to in the body of the claims), Rajasekharan makes obvious a general article having a tag. One having ordinary skill in the art at the time of the claimed invention would recognize that objects can be handheld and such a property does limit the reasoning for the tag and its content **(See [0075] for handheld examples of objects having remote content identifiers thereon)**.

2) Regarding claim 23, Rajasekharan teaches providing a service. One having ordinary skill in the art at the time of the claimed invention recognizes the benefits of

users of a service to pay for that service. Accordingly, the addition that the service taught by Rajasekharan is a subscription based service would be obvious to one having ordinary skill in the art at the time of the claimed invention.

3) Regarding claim 24, as discussed above regarding claim 22, Rajasekharan makes obvious the content being remotely stored and the content being a video.

4) Regarding claim 25, as discussed above regarding claim 22, Rajasekharan makes obvious the content being remotely stored and the content being an audio file.

5) Regarding claim 26, Rajasekharan teaches attaching a tag to physical object. Physical objects inherently have three dimensions **(see also [0075] for 3D examples of objects having remote content identifiers thereon)**.

6) Regarding claim 27, Rajasekharan makes obvious retrieving content from a remote server, which one having ordinary skill in the art at the time of the claimed invention would recognized may be another name for a "web server".

Response to Arguments

9. Applicant's arguments with respect to claims 1-27 as amended have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are deemed persuasive regarding the previous Office action's 103 rejections as applicable to the currently amended claims, but new grounds of rejection under 103 have been made necessitated by amendment. See above rejection for detail.

Specifically, Rajasekharan makes obvious an object having an RFID tag associated therewith **([0042], " objects 107 in the physical world can be represented**

by one or more machine readable or identifiable object identifiers, such as, barcode labels, RFID tags"). Rajasekharan then teaches that the RFID tag may contain a content identifier, which when read by a reader, identifies the location of the content, specifically on a remote device and then the content is either downloaded or streamed to the target device **([0045], "Similarly, the multimedia content collection associated with an object identifier may be either locally resident on the device or downloaded or streamed via path 113 with the aid of content proxy 117")**. See also [0073] which teaches the association between an object identifier being read by a reader and the object identifier being directly associated with media content. Rajasekharan teaches this media content to include both audio and video **([0074])**. To show more of this teaching of content identification then associated media playback, Examiner turns Applicant's attention to the following:

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- Claim 22 – the label is a RFID tag

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Smith IV teaches that additional content in the form of music files and even music videos are information that may be associated with an object in the form of a music CD or music CD case **([0064], "In one implementation, a music CD can be implemented as a hybrid CD with audio content in the form of WAV files, which may be played on a dumb device, such as a boombox, and additional content in the form of enabled content that can be played only on an enabled machine. The enabled content may include music files or pointers to music files. It may also include other content such as a video clip or instructions to download a web site")**. Since Smith IV teaches that additional music files and music videos are information that may further describe an object that is a music CD or music CD case, it would be obvious to one having ordinary skill in the art at the time of the claimed invention that when a tag

as taught by Rajasekharan is placed on an object that is a music CD or music CD case, that may also then contain identification information for content that further describes that object being a music CD or music CD case, wherein that content is the additional music file or music video.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

1) Gilfix et al., US. Pat. No., 6,992,592 (the method comprising: storing a recording of a sound representing at least one attribute of an object, having associated with the object a radio frequency identification ("RFID") tag; storing a type code of a sound skin for the recording; activating the RFID tag with an electronic travel aid ("ETA") for the visually impaired to read the RFID tag identifier; retrieving the recording form storage in dependence upon the RFID tag identifier and the type code of the sound skin for the recording; and playing the recording through an audio interface of the ETA)

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER C. MEHRAVARI whose telephone number is (571)270-1747. The examiner can normally be reached on Monday thru Friday, 8:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PETER C. MEHRAVARI

Examiner, Art Unit 2612

/BENJAMIN C. LEE/

Supervisory Patent Examiner, Art Unit 2612